

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2000-346

August 1, 2000

PUBLIC UTILITIES COMMISSION  
Amendment to Voluntary Renewable  
Research and Development Fund  
(Chapter 312)

ORDER ADOPTING RULE  
AND STATEMENT OF  
FACTUAL AND POLICY BASIS

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WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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**I. SUMMARY**

In this Order, we amend our current Voluntary Renewable Resource Research and Development Fund rule in accordance with recent legislative changes made to the Restructuring Act. We also adopt a change to the rule based on recent efforts to implement the rule's provisions.

**II. BACKGROUND**

On December 10, 1998, we adopted rules to implement the Legislature's directive, contained in the Restructuring Act,<sup>1</sup> that a program be established under which retail consumers of electricity may voluntarily contribute to fund renewable resource research and development. 35-A M.R.S.A. § 3210(5).

Subsequently, the Legislature amended the renewable resource fund section of the statute to specify that the State Planning Office (SPO) is responsible for administering the program, and that funds may be distributed to demonstration community projects that use renewable energy technologies. P.L. 1999, ch. 372.

On May 1, 2000, we issued a Notice of Rulemaking and proposed rule to modify the existing rule to be consistent with the legislative changes. Pursuant to rulemaking procedures, we provided interested persons an opportunity to comment on the proposed rule. The Commission received no comments on the proposed rule. We adopt the amendments to the rule as proposed in our May 1, 2000 notice.

**III. DISCUSSION OF AMENDMENTS**

Section 3: Definitions

We amend the definition of the "renewable resource research and development fund" to specify that demonstration community projects may be supported by consumer

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<sup>1</sup> An Act to Restructure the State's Electric Industry, P.L. 1997, ch. 316 (codified at 35-A M.R.S.A. §§ 3201-3217).

contributions. We also clarify the statutory citation contained in the definition of “renewable resource.”

#### Section 4: Transmission and Distribution Utility Obligations

Based on discussions with utilities regarding the implementation of this rule, we amend the rule to add a third mechanism that utilities may use to allow customers to choose to make voluntary contributions. Specifically, we amend section 4(B) so that, in addition to check-off mechanisms, customers may communicate their desire to participate through telephone calls.

#### Section 5: Administration of Program

In this section of the amended rule, we specify that the SPO will administer the fund and that certain Maine-based, non-profit organizations may receive funding for demonstration projects that use renewable energy technologies.

Accordingly, we

### O R D E R

1. That the attached amendments to Chapter 312, Voluntary Renewable Research and Development Fund, are hereby adopted;
2. That the Administrative Director shall file the adopted rule and related materials with the Secretary of State; and
3. The Administrative Director shall send copies of this Order and the attached rule to:
  - a. All persons who have filed with the Commission within the past year a written request for Notice of Rulemaking;
  - b. All persons listed on the service list or who filed comments in Public Utilities Commission, Voluntary Renewable Resource Research and Development Fund (Chapter 312), Docket No. 98-620;
  - c. All electric utilities in the State; and
  - d. Executive Director of the Legislative Council, State House Station 115, Augusta, Maine 04333-0115 (20 copies).

Dated at Augusta, Maine, this 1st day of August, 2000.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Nugent  
   Diamond

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.